

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

MEETING AGENDA

OCTOBER 9 & 10, 2002

**Lahontan Regional Board Office
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA
(Wednesday, October 9, 2002,
3:30 p.m. to 5:00 p.m.)**

**City Council Chamber
1900 Lake Tahoe Blvd.
South Lake Tahoe, CA
(Wednesday, October 9, 2002 7:00 p.m.
and Thursday October 10, 2002, 8:30 a.m.)**

REGULAR MEETING

**Wednesday, October 9, 2002 – 3:30 p.m.
(Dinner break 5:00 p.m., reconvene approximately 7:00 p.m.)
Thursday, October 10, 2002 – 8:30 a.m.**

***Please Note: The date of the Regional Board's November meeting has
changed to November 20 and 21, 2002.***

Note: A quorum of the Regional Board will be dining on Wednesday, October 9, 2002,
5:15 p.m. at Rockwater Tavern, 787 Emerald Bay Rd., South Lake Tahoe

The meeting room is accessible to people with disabilities. If you have special accommodations or language needs, please contact Ms. Pam Walker at (530) 542-5406 or Pwdwalker@rb6s.swrcb.ca.gov by October 1, 2002. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

The Regional Board may allow a party to a closed session item to participate in only the closed session (Item No. 1 on the agenda) by teleconference. This party may participate from Flagstaff, AZ.

The following items are numbered for identification purposes only and will not necessarily be considered in this order. Public hearings will not be called to order prior to the time specified. All Board files, exhibits and agenda material pertaining to items on this agenda are hereby made a part of the record for the appropriate item. If, due to time constraints, the Regional Board is unable to consider all of the items scheduled for Wednesday, the item(s) not heard will be considered on Thursday, October 10, 2002 beginning at 8:30 a.m.

Anyone wishing to present a Power Point presentation during the meeting, using the Regional Board's projector, must provide the presentation to the Board on either a CD or via email at least three working days prior to the meeting. Please contact the staff person listed for the agenda item of interest.

....NOTICE....

Submittal of Written Material for Regional Board Consideration

In order to ensure that the Regional Board has the opportunity to fully study and consider written material, it is necessary to submit it at least ten (10) days before the meeting. This will allow distribution of material to the Board Members in advance of the meeting. Pursuant to Title 23 California Code of Regulations Section 648.4, the Regional Board may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. If any other party demonstrates prejudice resulting from admission of the written testimony, the Regional Board may refuse to admit it.

A copy of the procedures governing Regional Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq., and is available upon request. Hearings before the Regional Board are not conducted pursuant to Government Code Section 11500 et seq.

Wednesday October 9, 2002 – 3:30 p.m.

Roll Call and Introductions

1. CLOSED SESSIONS**

- a. **Discussion of Significant Exposure to Litigation. Authority: Government Code Section 11126(e)(2)(B)(I).**
- b. **Discussion of Significant Exposure to Litigation, Leviathan Mine, Alpine County. Authority: Government Code Section 11126(e)(2)(B)(I).**

** At any time during the regular session, the Board may adjourn to a closed session to consider litigation, personnel matters, or to deliberate on a decision to be reached based upon evidence introduced in the hearing. Discussion of litigation is within the attorney-client privilege and may be held in closed session. Authority: Government Code Section 11126(a), (c)(3) and (e).

- c. **Discussion to Decide Whether to Initiate Litigation. Authority: Government Code Section 11126(e)(2)(c)(I).**
- d. **Deliberation on a Decision to be Reached Based upon Evidence Introduced in a Hearing. Authority: Government Code Section 11126(c)(3).**
- e. **Discussion of Pending Litigation, Molycorp, San Bernardino County. Authority: Government Code Section 11126(e)(2)(c)(I).**
- f. **Discussion of Litigation: Sarbjit Singh Kang, et. al, v. State of California, Regional Water Quality Control Board, Lahontan Region, El Dorado County Superior Court No. PC20000261; Azad Amiri and Sarbjit Singh Kang, v. State of California Regional Water Quality Control Board, Lahontan Region, El Dorado County Superior Court No. SC20000114; and Azad Amiri, Mohan Singh, and Sohan Singh v. State of California, Regional Water Quality Control Board, Lahontan Region, Placer County Superior Court No. SCV10061. Authority: Government Code Section 11126(e).**
- g. **Discussion of Litigation Filed by the State of California and the California Regional Water Quality Control Board, Lahontan Region Against Philip and Mary Myers, Mono County Superior Court, Case No. 12534. Authority: Government Code Section 11126(e).**
- h. **Discussion of Litigation: Thomas E. Erickson v. California Regional Water Quality Control Board, Lahontan Region, El Dorado County Superior Court Case No. SC-20000244. Authority: Government Code Section 11126(e).**
- i. **Discussion of Litigation Filed by the State of California and the California Regional Water Quality Control Board, Lahontan Region v. Thomas E. Erickson and Samina Naz, El Dorado County Superior Court, Case No. SC20010089. Authority: Government Code Section 11126(e).**
- j. **Discussion of Litigation filed by the State of California and the Regional Water Quality Control Board, Lahontan Region, v. Glen R. Hammond and Limited Partners, Kern County Superior Court Case No. 235695. Authority: Government Code Section 11126(e).**
- k. **Discussion of Litigation: People of the State of California ex rel. California Regional Water Quality Board, Lahontan Region, v. Gregory A. Babb and Heather Babb; Gregory A. Babb and Heather Babb v. California Regional Water Quality Control Board et al., Sacramento County Superior Court, Case No. 02AS02311 Authority: Government Code Section 11126(e).**
- l. **Discussion of Litigation: Squaw Valley Ski Corporation et al. v. State Water Resources Control Board et al., Sacramento County Superior Court Case No. 01CS01189. Authority: Government Code Section 11126(e).**

- m. **Discussion of Litigation: People of the State of California and the Regional Water Quality Control Board, Lahontan Region, v. Squaw Valley Ski Corporation, et al., Placer County Superior Court Case No. SCV 12916. Authority: Government Code Section 11126(e).**
- n. **Discussion of Litigation: Squaw Valley Development Company et al. v. Harold Singer et al., United States District Court, Eastern District, Case No. CIV. S-01-2031 WBS/GGH. Authority: Government Code Section 11126(e).**
- o. **Discussion of Litigation: Squaw Valley Development Co., v. California Regional Water Quality Control Board, Lahontan Region, El Dorado County Superior Court. Authority: Government Code Section 11126(e).**
- p. **Discussion of Personnel Matters. Authority: Government Code Section 11126(a).**

Wednesday, October 9, 2002 – continued at approximately 7:00 p.m.

2. PUBLIC FORUM

Any member of the public may address the Regional Board relating to any matter within the Board's jurisdiction. This shall not be related to any item on the agenda and presentations should normally be limited to five minutes. No formal action by the Board will be taken on these matters.

3. ADOPTION OF UNCONTESTED CALENDAR

Item numbers with an asterisk (*) are expected to be routine and noncontroversial. They will be acted upon by the Board at one time without discussion. If any Board member, staff member, or interested party requests discussion, the item will be removed from the Uncontested Calendar to be considered separately.

4. MINUTES

Minutes of the Regular Meeting of April 10 and 11, 2002 in Ridgecrest, June 12 and 13, 2002 in Bishop and July 24 and 25, 2002 in South Lake Tahoe (Pam Walker)

RESCISSION OF WASTE DISCHARGE REQUIREMENTS

- *5. **Steven Smith Jr., Sunset Ranch Riding Stables, El Dorado County (6-92-30)(Mary Fiore-Wagner)**

OTHER BUSINESS

- 6. **Workshop-General WDRs for Small Construction Projects, Including Utility, Public Works, and Minor Streambed/Lakebed Alteration Projects in the Lahontan Region Excluding the Lake Tahoe Hydrologic Unit** (The Board will conduct a public workshop on General WDRs and the associated Negative Declaration for the above-referenced permit. The Board may provide direction to staff; however, there will be no voting or formal action taken The matter is scheduled for the Board's consideration of adoption at it's January meeting in South Lake Tahoe, CA.) (Bud Amorfini)

* See Item No. 3

- *7. **Booth Creek Ski Holdings/Trimont Land Company; Northstar-at-Tahoe Shaeffer's Camp Restaurant, Exemption to a Waste Discharge Prohibition Contained in the Water Quality Control Plan for the Lahontan Region, Placer County** (The Board will be asked to grant an exemption to allow discharges from individual on-site septic system within the prohibition area of the Truckee River Hydrologic Unity) (Robin Mahoney)
- *8. **Resolution to Authorize the Expenditure of Funds from the Fleur Du Lac Water Quality Mitigation Fund, El Dorado County** (The Board will consider authorizing allocation of funds from the Fleur Du Lac Mitigation Fund to the Tahoe Resource Conservation District to partially fund the Upper Truckee River Reclamation Project.) (Mary Fiore-Wagner)
9. **Presentation on the Lake Tahoe Clarity Model by University of California at Davis** (Dr. Geoff Schladow and Dr. John Reuter will make an informational presentation to the Regional Board) (Lauri Kemper)
10. **Reports by Chair and Board Members** (Board members may discuss communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction. The Board may provide direction to staff; however, there will be no voting or formal action taken.)
11. **Executive Officer's Report** (Harold Singer)
 - **Discussion of Standing Items**
 - **Notification of Spills (Pursuant to Section 13271, California Water Code and Section 25180.7, California Health and Safety Code)**
 - **Notification of Closure of Underground Storage Tank Cases (Pursuant to Article 11, Division 3, Chapter 16, Title 23, California Code of Regulations)**
 - **Regional Board Meeting Schedule for 2003**

ADJOURNMENT

Any party aggrieved by a certain decision of the California Regional Water Quality Control Board, Lahontan Region (Regional Board), may petition the State Water Resources Control Board (State Board) to review the decision. The petition must be received by the State Board within 30 days of the Regional Board's meeting at which the action was taken. Copies of the law and regulation applicable to filing petitions will be provided upon request.

- Note:** 1. A listing of pending applications for Water Quality Certification pursuant to Section 401 of the Clean Water Act may be obtained by calling:

For the North Lahontan Basin, Scott Ferguson in South Lake Tahoe at (530) 542-5432

For the South Lahontan Basin, Hisam Baqai in Victorville at (760) 241-7325

The Regional Water Quality Control Board, Lahontan Region, has a home page that can be accessed on the Internet, at: <http://www.swrcb.ca.gov/rwqcb6>

The Regional Board will be considering many items during this meeting which may result in Regional Board action or direction to staff. We encourage input from all people interested in a given item or issue, so that when we act, our decision is based on all available information. Although an oath is not administered in most of the proceedings before this Board, **we expect all statements made before this Board to be truthful with no attempts to mislead this Board by false statements, deceptive presentation or failure to include essential information.**

The Regional Board encourages all people in or near a Board meeting to refrain from engaging in inappropriate conduct. Inappropriate conduct may include disorderly, contemptuous or insolent behavior, breach of peace, boisterous conduct, violent disturbance or other unlawful interference in the Board's proceedings. Such conduct could subject you to contempt sanctions by the superior court (Govt C Sec 11455.10).

The Regional Board Chairperson may impose sanctions, including reasonable expenses and attorney's fees, on any party for bad faith actions, frivolous tactics or actions intended to cause unnecessary delay by a party or the party's attorney or representative (Govt C Sec 11455.30).

CALIFORNIA WATER QUALITY CONTROL BOARD

LAHONTAN REGION

Main Office: 2501 Lake Tahoe Blvd., South Lake Tahoe, CA 96150 (530) 542-5400
 Branch Office: 15428 Civic Drive, Ste. 100, Victorville, CA 92392-2359 (760) 241-6583

REGIONAL BOARD MEMBERS

Name	Location of Residence or Business	Appointment Category
William Betterley	Apple Valley	Irrigated Agriculture
John Brissenden	Hope Valley	Water Quality
Jack Clarke, Chair	Apple Valley	Water Supply
Eugene Nebeker, Vice Chair	Lancaster	Industrial Water Use
Claudette Roberts	Lake Elizabeth	Municipal Government
Eric Sandel	Truckee	Water Quality
Vacant		Rec., Fish and Wildlife
Vacant		County Government
Vacant		Undesignated (Public)

REGIONAL BOARD STAFF

Harold J. Singer Executive Officer	Robert Dodds Asst. Executive Officer and Ombudsman	Steven H. Blum Counsel to the Board	Susan-Marie Hagen Executive Assistant
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South Lake Tahoe Office: Chuck Curtis, Manager, Planning and Toxics Division
 Doug Smith, Chief, Underground Storage Tanks/Department of Defense Unit
 Chris Stetler, Chief, Leviathan Mine Unit

Lauri Kemper, Manager, North Lahontan Watershed Division
 Scott Ferguson, Chief, Northern Watersheds Unit
 Alan Miller, Chief, Carson/Walker Watersheds Unit
 Mary Fiore-Wagner, Chief, Lake Tahoe Watersheds Unit

Victorville Office: Hisam Baqai, Manager, South Lahontan Watershed Division
 Cindi Mitton, Chief, Mono/Owens Watersheds Unit
 Mike Plaziak, Chief, Mojave Desert Unit

The primary responsibility of the Regional Board is to protect the quality of the surface and groundwater within the Region for beneficial uses. The duty is carried out by formulating and adopting water quality plans for specific ground or surface water bodies; by prescribing and enforcing requirements on domestic and industrial waste dischargers, and by requiring cleanup of water contamination and pollution. Specific responsibilities and procedures of the Board are outlined in the Porter-Cologne Water Quality Control Act.

Regular meetings of the Board are normally held on the second Wednesday and Thursday of each month. Meeting locations vary but generally alternate between the north and south basins of the region.

The purpose of the monthly meeting is to provide the Board with testimony and information from concerned and affected parties and make decisions after considering the evidence presented. A public forum is held at each regular meeting where any person may address the Board on any matter within the jurisdiction of the Board, but may not be related to any item on the agenda.

The Board welcomes information on pertinent problems, but comments at the meeting should be brief and directed to specifics of the case to enable the Board to take appropriate action. Whenever possible, lengthy testimony should be presented to the Board in writing and only a summary of pertinent points presented verbally. Written material should be submitted no later than the Monday, ten days prior to the Board meeting.

Tape recordings are made of each Board meeting and these tapes are retained in the Board's office for two years. Anyone desiring copies of these tapes may, at their own expense, arrange to have duplicate tapes made by contacting the Board at (530) 542-5414.

NOTES

A. SEQUENCE OF AGENDA ITEMS

The items are numbered for identification purposes only and will not necessarily be considered in this order.

B. AVAILABILITY OF AGENDA MATERIAL

Details concerning these agenda items are available for public reference during working hours at the Board's offices. Copies of individual agenda items may be obtained at the Board's offices after 8:00 a.m. on the Monday, ten days preceding the Board meeting. The staff will assist in answering questions.

C. UNCONTESTED ITEMS CALENDAR

Item numbers with an asterisk (*) are expected to be routine and noncontroversial. They will be acted upon by the Board at one time without discussion. If any Board member, staff member, or interested party requests discussion, the item will be removed from the Uncontested Calendar to be considered separately.

D. PETITION OF REGIONAL BOARD ACTION

Any person affected by a certain decision of the California Regional Water Quality Control Board, Lahontan Region, (Regional Board) may petition the State Water Resources Control Board to review the decision. The petition must be received by the State Board within 30 days of the Regional Board's meeting at which the action was taken. Copies of the law and regulations applicable to filing petitions will be provided upon request.

E. HEARING RECORD EXHIBITS

Material presented to the Board as part of the testimony that is to be made part of the record must be left with the Board. This includes photographs, slides, chart, diagrams, etc.

F. CONTRIBUTIONS TO REGIONAL BOARD MEMBERS

All persons who actively support or oppose the adoption of waste discharge requirements or an NPDES permit before the Regional Board must submit a statement to the Board disclosing any contributions of \$250 or more to be used in a federal, state, or local election, made by the action supporter or opponent, or his or her agent, within the last 12 months to any Regional Board member. All permit applicants and all persons who actively support or oppose adoption of a set of waste discharge requirements or an NPDES permit pending before the Regional Board are prohibited from making a contribution of \$250 or more to any Board member for three months following a Regional Board decision on the permit application.

G. ADDITIONAL CLOSED SESSION

At any time during the regular session, the Board may adjourn to a closed session to consider litigation, personnel matters, or to deliberate on a decision to be reached based upon evidence introduced in the hearing. Discussion of litigation is within the attorney-client privilege and may be held in closed session. Authority: Government Code Section 11126 (a), (c)(3) and (e).

***California Regional Water Quality Control Board
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150***